

**REMARKS/ARGUMENTS**

Reconsideration of this application is respectfully requested.

The rejection of claims 1-9 under 35 U.S.C. §103 as allegedly being made "obvious" based on Voit '636 in view of Li '438 is respectfully traversed.

Voit does describe selection of a gateway from among a plurality of gateways (Internet Telephony Gateways or ITGs 424-432) for establishing a link between a circuit switched (i.e., PSTN) network and a packet switched (i.e., IP) network. However, the details of the system of Voit and its mode of operation are significantly different from the applicant's claims. For example, it is noted that the circuit-switched network of Voit is fundamentally different from the circuit-switched network of the claimed invention.

No reference can be found in Voit to the sending of polling messages from a gateway to a traffic destination. In particular, from column 25, line 24-column 26, line 43, referred to by the Examiner, it is clear that Voit teaches the selection of a gateway (GW) on the basis of pre-determined look-up tables rather than on-the-fly polling of GWs.

At column 25, lines 23-40, Voit refers to executable code for facilitating the process. This code "permits access to both translation tables and routing metrics as well as routing control records" which information is described by Voit as being stored in a database. At column 25, lines 58-64, Voit clarifies that the routing metrics are information stored in tables.

Voit describes "improved gateway selection" from column 23, line 40. Referring to Figure 14, Voit clearly sets out how the Internet Telephony Gateway (ITG) directory determines

which telephone number (i.e., destination identifier) is to be handled by each ITG (Voit talks about the ITG directory managing which telephone numbers are "served within the terminating footprint of the ITG". (Column 24, lines 12-15). When queried with a "called" telephone number by the PC Call Control Object, the C1 object returns the IP address of the ITG that serves the called telephone number. However, this action delays the start of transmission of the data.

The presently claimed invention provides for traffic to be initially communicated from the source of the traffic to a default GW for that source of traffic -- see step (a) which occurs before the selection of the final GW has begun at step (b). Only following completion of the selection process at step (g) is the traffic forwarded (in step (h)) to a GW selected on the basis of performance.

The claimed invention has thus provided the advantage that traffic can start to be transmitted over the PSTN immediately and before the process of selecting the ultimate GW is complete. This avoids delays characteristic of conventional networks and speeds up the flow of traffic between source and destination. In addition, operating the selection process in parallel with data transmission in accordance with the claimed invention allows the option of reducing the processing overload associated with the selection process by only implementing selection after a certain traffic level is detected. Neither of these benefits is available by the system of Voit.

In view of the fundamental deficiencies of the primary Voit reference, it is not believed necessary to address the further deficiencies of the secondary Li reference. Suffice it to note that

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there is no suggestion in either of these references for the particular combination advocated by the Examiner. Nor does the Examiner ever apparently identify any even alleged suggestion for such selective piece-meal combination of portions of these two references.

It is also noted that Li '438 has not yet been officially made of record since it does not appear on any Form PTO-892. However, since it has clearly been relied upon in the outstanding action as a newly cited reference, citation of same on a Form PTO-892 is respectfully requested so that it will appear on the front of any printed patent.

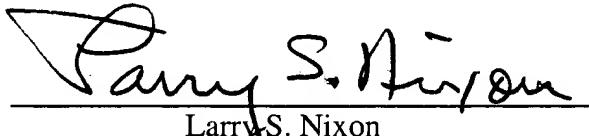
New claim 10 reflects an aspect of the present invention relating to monitoring of the level of traffic and carrying out the selection step and forwarding step depending on the level of traffic monitored. This claim is based on material found in the description as originally filed at page 4, lines 14 to 28 and page 5, lines 28 to page 6, line 9.

Accordingly, this entire application is now believed to be in allowable form and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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